**THE HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.6396 of 2002**

**Dated:24.08.2007**

**Between:**

Scheduled Caste/Scheduled Tribe Backward Classes Welfare Sangam.

…Petitioners

and

The Government of Andhra Pradesh,
Rep.by its Principal Secretary,
Revenue Department,
Secretariat,
Hyderabad,
and others.

…Respondent

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.6396 of 2002**

**ORDER:**

Scheduled Caste/Scheduled Tribe Backward Classes Welfare Sangam, Hyderabad, filed the instant Writ Petition seeking a writ of mandamus directing the third respondent to take necessary action for implementation of the proceedings dated 04.02.2001, and for appropriate orders.

The second respondent filed a declaration under Section 21 of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act'), seeking necessary exemption for utilization of excess lands for construction of Dwelling units for accommodation under the Weaker Section Group Housing Scheme to the weaker section to an extent of 56,730.57 square metres comprised in Survey Nos.74/p & 75/p of Fathenagar, Sanathnagar, Hyderabad. The third respondent by proceedings dated 03.12.1981 accorded permission to the second respondent for construction of 1900 Units in the surplus vacant land. Subsequently, the second respondent sought for modification of the

orders in view of the litigation pending in civil Court. Acceding to the request, the third respondent issued yet another proceedings dated 04.02.2001 modifying the earlier orders permitting the second respondent to construct Dwelling Units within six months from the date of approval of the scheme by the Special Officer and allot the Dwelling Units to the persons, a list of which shall be submitted to the third respondent in advance. In this Writ Petition the grievance of the petitioner is that in spite of getting exemption under the provisions of the Act under Section 21(1) of the Act thereof, the second respondent failed to construct the Dwelling Units.

The limited relief sought in this Writ Petition is the implementation of the proceedings of the third respondent in favour of the second respondent by which the latter was permitted to use a large extent of about 57,000 square metres for construction of weaker section houses under Group Housing Scheme. The learned Special Counsel submits that the second respondent has not complied with the conditions as per Section 21 of the Act. In such an event, it is always open to the Government/Special Officer to take necessary action for withdrawal of the exemption. This aspect of the matter was considered by a Division Bench of this Court (to which I was a member) in **State of A.P. v. Mc.Dowell and Company Limited, Chennai**[1] and in **Dinkar Bhole v. Commissioner of Land Reforms and Urban Land Ceilings, A.P.**[2]

In view of the above, the petitioner is given liberty to approach the third respondent with a copy of this order for necessary redressal. This Court also observes that it shall be open to respondents 1, 3 and 4 to initiate necessary action under Section 20(2) of the Act for withdrawal of exemption after following the procedure contemplated under law.

The Writ Petition is accordingly disposed of. No costs.

(V.V.S.RAO, J)

24.08.2007
vs

[1] 2002 (1) ALD 639 (DB)

[2] 2004 (3) ALD 805